



House of Representatives

General Assembly

File No. 339

January Session, 2001

Substitute House Bill No. 6552

House of Representatives, April 18, 2001

The Committee on Environment reported through REP. STRATTON of the 17th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING A LIVESTOCK DEALER LICENSE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 22-381 of the general statutes is repealed and the
2 following is substituted in lieu thereof:

3 As used in this chapter, "commissioner" means the Commissioner of
4 Agriculture; "dealer" or "broker" means any person, copartnership,
5 association, limited liability company or corporation engaged in the
6 business of buying, receiving, selling or exchanging or negotiating or
7 soliciting the sale, resale, exchange, transportation for a fee, transfer or
8 shipment of any [cattle or swine] cloven hoofed animal; "agent" means
9 any person buying or [receiving or] soliciting or negotiating the sale
10 for a fee, resale or exchange of [cattle or swine] cloven hoofed animals
11 for or on behalf of any dealer or broker; [and "cattle" means all dairy,
12 feeding, beef or breeding animals of the bovine genus] "producer"
13 means a person involved in breeding, feeding and growing cloven
14 hoofed animals.

15 Sec. 2. Section 22-382 of the general statutes is repealed and the
16 following is substituted in lieu thereof:

17 The provisions of this chapter shall not apply to (1) any [dairyman,
18 grower of swine] producer, association, copartnership or corporation
19 which by dispersal sale is permanently discontinuing the business of
20 [dairying,] breeding [or] and feeding [cattle, or growing swine] cloven
21 hoofed animals; (2) any person, association, copartnership or
22 corporation which sells [cattle or swine] cloven hoofed animals which
23 have been raised on the premises of such person, association,
24 copartnership or corporation; (3) any person who does not buy,
25 receive, sell or exchange or solicit or negotiate the sale, resale,
26 exchange or shipment of [cattle or swine] cloven hoofed animals in the
27 aggregate of more than ten head in any one license year; (4) any
28 [dairyman] producer who purchases or receives [cattle] cloven hoofed
29 animals for the [sole] purpose of producing milk, [and] meat or other
30 products derived from animals or improving [his] said producer's own
31 herd or flock; (5) any butcher, packer or processor to whom [cattle or
32 swine] cloven hoofed animals are delivered which are used exclusively
33 for immediate slaughter; (6) any farmer who buys or receives [cattle or
34 swine] cloven hoofed animals for grazing and feeding and sells or
35 disposes of such [cattle or swine] cloven hoofed animals after a feeding
36 or grazing period of not less than sixty days; or (7) any railroad or
37 trucking concern whose primary business is trucking animals either
38 intrastate or interstate.

39 Sec. 3. Section 22-383 of the general statutes is repealed and the
40 following is substituted in lieu thereof:

41 No dealer or broker shall engage in or carry on the business of
42 buying, receiving, selling, exchanging, transporting or negotiating or
43 soliciting the sale, resale, exchange, transportation or transfer of any
44 [cattle or swine] cloven hoofed animals within the state unless licensed
45 as hereinafter provided. Such dealer or broker shall be responsible for

46 acts performed or contracts made in connection with buying,
47 receiving, selling, exchanging, transporting or negotiating or soliciting
48 the sale, resale, exchange, transportation or transfer of [cattle or swine]
49 cloven hoofed animals by any person or individual employed by such
50 dealer or broker.

51 Sec. 4. Section 22-384 of the general statutes is repealed and the
52 following is substituted in lieu thereof:

53 Any person before engaging in the business of a dealer or broker
54 shall file an application with the commissioner on a form prescribed by
55 the commissioner and pay a license fee. The fee shall be one hundred
56 fifty dollars, provided the fee may be increased by the commissioner
57 by regulations adopted in accordance with the provisions of chapter
58 54. Such application shall state the nature of the business, the type of
59 [cattle or swine] cloven hoofed animals the applicant proposes to
60 handle, the name of the person applying for a license and, if the
61 applicant is a firm, association, partnership or corporation, the full
62 name of each member of such firm, association or partnership or the
63 names of the officers of the corporation, and the name of the agent or
64 agents of the applicant, the municipality and post-office address at
65 which business is to be conducted and such other facts as the
66 commissioner may prescribe. The applicant shall further satisfy the
67 commissioner as to [his or its] the applicant's character, financial
68 responsibility and good faith in seeking to engage in the business.

69 Sec. 5. Section 22-385 of the general statutes is repealed and the
70 following is substituted in lieu thereof:

71 Upon compliance by the applicant with section 22-384, as amended
72 by this act, the commissioner shall, subject to the provisions of this
73 chapter, issue a license entitling the applicant or [his] the applicant's
74 agents to conduct the business of buying or receiving [cattle or swine]
75 cloven hoofed animals or receiving, selling, exchanging or soliciting or
76 negotiating the sale, resale, exchange or shipment of [cattle or swine]

77 cloven hoofed animals at the place named in the application until June
78 thirtieth next following. Such license shall be renewable annually,
79 unless suspended or revoked, on payment of a fee of fifty dollars.

80 Sec. 6. Section 22-386 of the general statutes is repealed and the
81 following is substituted in lieu thereof:

82 For failure or refusal of a licensee to obey the provisions of this
83 chapter, the commissioner may suspend or revoke the license held by
84 such licensee. Whenever the commissioner is satisfied of the existence
85 of any one or more reasons for revoking a license as provided for in
86 this chapter, before revoking such license the department shall give
87 written notice of a hearing to be had thereon to the licensee affected.
88 Such notice shall be sent by registered or certified mail to the licensee
89 at least ten days prior to the date set for the hearing at the department.
90 On the day of the hearing the commissioner may hear the evidence
91 presented by the licensee and any other witnesses, and the
92 commissioner shall within a reasonable time thereafter render a
93 decision. Any licensee aggrieved by the decision of the commissioner
94 may appeal therefrom in accordance with the provisions of section 4-
95 183, except venue for such appeal shall be in the judicial district of
96 New Britain. The following actions by the applicant or licensee shall
97 constitute just cause for revoking or refusing a license: (1) The violation
98 of state laws or official regulations governing intrastate or interstate
99 movement of [cattle or swine] cloven hoofed animals; (2) where there
100 have been false or misleading statements with regard to the results of
101 official diagnostic tests of cloven hoofed animal diseases approved by
102 the commissioner and the [Agricultural Research Service of the]
103 United States Department of Agriculture [for the diseases of bovine
104 brucellosis or tuberculosis, vesicular exanthema of swine, foot and
105 mouth disease, anaplasmosis and anthrax,] or with regard to
106 ownership; (3) the buying or receiving of [cattle or swine] cloven
107 hoofed animals, selling or exchanging, or soliciting resale, exchange,
108 transport or transfer, of animals officially [branded] designated by the

109 Department of Agriculture as being diseased, a quarantined animal, or
110 animals from quarantined herds [; provided this subsection shall not
111 apply to cattle which have reacted to any official test used for the
112 detection of tuberculosis or brucellosis, or to cattle in a herd under
113 quarantine for the presence of the diseases tuberculosis or brucellosis
114 when such cattle are disposed of in conformity with state laws and
115 regulations governing disposal of such cattle] or flocks; (4) failure of
116 the licensee to practice approved measures of sanitation of barns,
117 stables, premises or vehicles used for stabling, holding or transporting
118 of [cattle or swine] livestock; (5) consistent or continual failure to keep
119 records required by the commissioner or by law, or refusal to produce
120 books, accounts or records of transactions in the carrying on of the
121 business for which the license is granted; (6) failure to comply with any
122 provision of the general statutes or regulations thereunder relating to
123 [cattle or swine,] cloven hoofed animals; and (7) where a license to deal
124 in livestock, issued to the applicant or licensee by another state, has
125 been suspended or revoked by such state within five years next
126 preceding the date of issuance or renewal of a license under the
127 provisions of section 22-385, as amended by this act.

128 Sec. 7. Section 22-387 of the general statutes is repealed and the
129 following is substituted in lieu thereof:

130 Every dealer or broker shall keep accounts, records and memoranda
131 which shall fully and clearly disclose all transactions of [his] such
132 dealer's or broker's business, including the true ownership of the
133 business. Such records shall be made available at any time for
134 inspection by the commissioner or [his] the commissioner's authorized
135 agent to determine the origin and destination of any livestock handled
136 by the licensee but information relating to the general business of any
137 such person disclosed by the investigation and not related to the
138 immediate purpose thereof shall be treated as of a confidential nature
139 by the commissioner or [his] the commissioner's agent.

140 Sec. 8. Section 22-388 of the general statutes is repealed and the
141 following is substituted in lieu thereof:

142 (a) All cloven hoofed animals owned by a dealer or held by a dealer,
143 pending sale, exchange, resale or shipment on premises owned, rented,
144 leased or borrowed by such dealer may be subjected periodically to
145 diagnostic tests, as deemed necessary by the commissioner, for
146 infectious diseases. Such tests shall be conducted, at no expense to the
147 dealer, by the State Veterinarian or designated agent of the
148 commissioner, a veterinarian employed by the federal Department of
149 Agriculture or a licensed accredited veterinarian. In the case of an
150 animal or animals that test positive to such diagnostic tests, or if the
151 commissioner has reason to believe that an infectious disease is present
152 in such animal or animals, the commissioner may issue a quarantine
153 order pursuant to subsection (c) of this section.

154 (b) All cattle owned by a dealer or held by a dealer, pending sale,
155 exchange, resale or shipment on premises owned, rented, leased or
156 borrowed by such dealer may be subjected periodically to a tuberculin,
157 brucellosis and [blood test by an authorized, full-time, salaried
158 veterinarian of the state or federal Department of Agriculture at no
159 expense to the dealer] any other diagnostic tests as deemed necessary
160 by the commissioner. Such tests shall be conducted, at no expense to
161 the dealer, by the State Veterinarian or designated agent of the
162 commissioner, a veterinarian employed by the federal Department of
163 Agriculture or a licensed accredited veterinarian. In the case of an
164 animal or animals that test positive to such diagnostic tests, or if the
165 commissioner has reason to believe that an infectious disease is present
166 in such animal or animals, the commissioner may issue a quarantine
167 order pursuant to subsection (c) of this section. Any reactors to the
168 brucellosis or tuberculin test shall be branded on the left jaw and a
169 metal tag identifying the animal as a reactor affixed to the left ear. Such
170 reactors shall be disposed of by slaughter immediately. Indemnity
171 shall be paid on all such reactors in the manner provided in section 22-

172 288, provided such reactor shall have passed at least one negative test
173 since entering the state and shall have been acquired by the dealer in
174 compliance with existing state regulations on interstate and intrastate
175 movements of cattle.

176 (c) If a quarantine, due to the presence of an infectious,
177 communicable livestock disease, is imposed on [cattle] cloven hoofed
178 animals owned by a dealer or held by a dealer pending sale, exchange,
179 resale or shipment on premises owned, rented, leased or borrowed by
180 such dealer, such dealer shall not be prohibited from engaging in [his]
181 business as a dealer, provided such dealer shall comply with all
182 quarantine restrictions and sanitation regulations of the state
183 Department of Agriculture in respect to quarantined animals,
184 including [individual] official identification as determined by the
185 commissioner of each such animal [by numbered ear tag] and so
186 described on the quarantine form issued by the commissioner, and
187 shall establish a separate set of premises at least one hundred yards
188 distant from all quarantined premises and pastures used by such
189 quarantined animals, and provided in no instance shall the same
190 attendant attend quarantined animals and animals in the healthy
191 establishment unless disease conditions as determined by the state
192 Department of Agriculture permit such practices under such sanitary
193 requirements as are prescribed by the commissioner or [his] the
194 commissioner's assistant.

195 Sec. 9. Section 22-389 of the general statutes is repealed and the
196 following is substituted in lieu thereof:

197 Every person licensed under the provisions of this chapter and
198 conducting business under such license shall keep a copy thereof, to be
199 furnished by the commissioner, posted in a conspicuous place in, such
200 person's motor vehicle, on such person or at [his] such person's place
201 of business and exposed to inspection by any person entitled to make
202 such inspection. [Any such licensee using a motor vehicle in the course

203 of business conducted under such license shall display in a
204 conspicuous manner a license plate issued by the commissioner on
205 each vehicle so used.] The licensee and each of [his] such licensee's
206 agents shall, at all times when buying or receiving, selling, exchanging
207 or soliciting or negotiating the sale, resale or shipment of [cattle or
208 swine] cloven hoofed animals, carry an identification card, issued by
209 the commissioner, stating that such licensee or the principal of such
210 agent is so licensed. The licensee or agent shall exhibit such card to
211 persons with whom [he] the licensee or agent is negotiating or from
212 whom [he] the licensee or agent is soliciting business and to the
213 commissioner or [his] the commissioner's assistant.

214 Sec. 10. Section 22-390 of the general statutes is repealed and the
215 following is substituted in lieu thereof:

216 The commissioner shall enforce the provisions of this chapter and
217 shall make such regulations as are necessary for the licensing of [cattle
218 or swine] dealers or brokers.

219 Sec. 11. Section 22-391 of the general statutes is repealed and the
220 following is substituted in lieu thereof:

221 Any person who violates or refuses to comply with any provision of
222 this chapter shall be [fined not less than two hundred dollars nor more
223 than five hundred dollars for a first offense and not less than five
224 hundred dollars nor more than one thousand dollars for a second and
225 each subsequent offense] subject to a civil penalty in accordance with
226 section 22-7.

ENV **JOINT FAVORABLE SUBST.**

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: Minimal Revenue Gain, Minimal Cost

Affected Agencies: Department of Agriculture

Municipal Impact: None

Explanation**State Impact:**

Any increase in the workload of the Department of Agriculture due to the licensing of dealers of cloven-hoofed animals is anticipated to be minimal and handled within existing resources. Based on current information, there would be approximately 20 new licenses issued resulting in a General Fund revenue gain of \$1,000 a year. Any increase in workload or costs due to the potential for an increase in testing is anticipated to be minimal and absorbed within agency resources. Few additional tests are anticipated. The increase in General Fund revenue due to the establishment of administrative civil penalties (which are higher than the current fines), are anticipated to be minimal, since they are anticipated to act as a deterrent. There were no penalties issued in 2000.

OLR Bill Analysis**sHB 6552*****AN ACT CONCERNING A LIVESTOCK DEALER LICENSE.*****SUMMARY:**

This bill requires the agriculture commission to license dealers or brokers in cloven-hoofed animals and expands the number of domestic animal species the agriculture commissioner may test for disease. Current law requires licensing of dealers in cattle and swine. This bill applies to all cloven-hoofed animals and to dealers, who deal in such animals. (Although the bill does not define the term, cloven-hoofed animals include such animals as cattle, sheep, goats and pigs. Horses, donkeys and mules are not cloven-hoofed.) The bill subjects animals owned or held by licensed dealers to periodic tests for infectious diseases and increases the penalty for violating its provisions.

EFFECTIVE DATE: October 1, 2001

TESTS FOR DISEASES

The bill subjects cloven-hoofed animals owned or held by dealers to periodic tests for infectious diseases. The state veterinarian or his agent must conduct the tests, at no cost to the animal dealer, whenever the commissioner deems it necessary. The bill specifies that cattle may be tested for brucellosis as well as any other tests the commissioner finds necessary. The bill allows the commissioner to quarantine any animal that tests positive for an infectious disease and allows dealers to continue in business if they comply with all quarantine restrictions and sanitation regulations, including identifying each quarantined animal as the commissioner requires.

PENALTIES

The bill increases the penalties for violating laws governing cloven-hoofed animals to \$2,500 for each offense and a maximum of \$250 for each day the violation continues after the penalty is imposed. Under

current law, violators are fined between \$200 and \$500 for a first offense and between \$500 and \$1,000 for a second and each subsequent offense. Such laws include dealing in cloven-hoofed animals without a license failing to keep proper records, and failing to properly quarantine diseased animals.

DEALERS AND PRODUCERS

Under the bill, a dealer or broker in cloven-hoofed animals (1) buys, (2) receives, (3) sells, exchanges or (4) negotiates or solicits the sale, resale, exchange, transportation for a fee, transfer, or shipment of any cloven-hoofed animal. An agent is anyone who buys, solicits, or negotiates the sale for a fee of such an animal for a dealer or broker. The bill adds a definition of a “producer” as someone who breeds, feeds, and grows cloven- hoofed animals.

The bill specifically excludes from its provisions:

1. anyone who buys, sells, or deals with 10 or fewer animals in a year;
2. farmers who buy or receive cloven-hoofed animals for grazing or feeding and sell or dispose of them after a feeding or grazing period of at least 60 days;
3. producers, associations, co-partnerships, and corporations selling off cloven-hoofed animals because they are going out of the business of breeding and feeding them;
4. producers, associations, co-partnerships, and corporations which sell cloven-hoofed animals raised on their premises; and
5. butchers, packers, or processors to whom cloven-hoofed animals are delivered for immediate slaughter.

These exemptions also exist under current law, but apply either to cattle or swine, or both. The bill adds an exemption for producers who buy or receive cloven-hoofed animals to produce milk, meat, or other animal products, or to improve their herds or flocks;

A licensed dealer or his agent must carry a copy of his license with him or in his motor vehicle. The bill eliminates a requirement that dealers display license plates issued by the commissioner while conducting business.

GROUND FOR LICENSE REVOCATION

Under the bill, the agriculture commissioner may revoke or refuse to issue a license for (1) violating state law or regulations governing intrastate or interstate movement of cloven-hoofed animals, (2) making false or misleading statements about the results of tests for animal diseases, or (3) dealing in animals designated as diseased by the U.S. Department of Agriculture or animals that are quarantined or from a quarantined herd or flock.

Current law exempts cattle dealers from the third provision if they have properly disposed of animals that tested positive for tuberculosis or brucellosis, or were in a herd quarantined for those diseases. The bill eliminates this exemption.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 28 Nay 0